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Public Comment  
Utah Division of Air Quality  
P.O. Box 144820  
Salt Lake City, UT 84114

October 30, 2012

**RE: Proposed Rule R307-312 Aggregate Processing Operations for PM2.5 Nonattainment Areas**

For 60 years, Staker Parson Companies has worked to be the Preferred Source of quality sand, rock & landscape products, ready-mixed concrete, asphalt, paving, and construction serving a wide variety of contractors, businesses, government agencies, municipalities, and homeowners. Now we are the Intermountain Region's leading construction materials and services provider employing 2,000 people at more than fifty locations in Utah, Idaho, Oregon, Nevada, and Arizona. We have regularly been named one of Utah's fastest growing companies.

Despite contributing a very small fraction of total PM10 and PM2.5 to the airshed, Staker Parson Companies has a significant stake in preserving a sustainable industry and contributing toward attaining the National Ambient Air Quality Standards for PM10 and PM2.5. While entirely eliminating anthropogenic fugitive emissions and fugitive dust may realize the greatest level of air quality, it does not provide for any of the infrastructure we enjoy (and often take for granted). Said infrastructure plays a major role in the quality of life we have achieved. Healthcare, Education and Commerce all rely on a functional and maintained transportation system. Without the industries that generate fugitive emissions and fugitive dust, the transportation system would crumble in less than a decade.

The task before us is to develop reasonable and achievable controls on the industries that promote growth while protecting the health of the community. The controls must be based on scientific study that is demonstrable through measurement. It is with these thought in mind that we present the following comments:

1. R307-312-2 (1). Not all parts of the counties listed are non-attainment or maintenance areas for PM10 or PM2.5. Applicability of this rule should only apply to areas of listed counties within designated non-attainment areas.
2. R307-312-4 (1). The opacity limits listed were adopted from 40 CFR 60 Subpart OOO. 40 CFR 60.675(b)(3) specifies that the duration of the Method 9 (40 CFR part 60, Appendix A-4) observations must be 30 minutes (five 6-minute averages). During review of the current 40 CFR 60 Subpart OOO as effective April 28, 2009, EPA received comments relevant to this point. The



comments addressed the fact that Method 9 has a 7.5% error margin, and that EPA Document "Air Pollution Control Techniques for Non-Metallic Minerals Industry" EPA-450/3-82-014, August 1982 lists the Method 9 error margin as high as 14%. Commenters were concerned that lowering the opacity standard to 7% would be within the margin of error and result in a "no visible emissions" standard. EPA responded that these margins of error are based on the traditional six-minute averaging period. EPA further noted that the averaging procedure specified in 60.675(c)(3) which requires averaging five six-minute averages dampens the effect of any errors to an acceptable degree.

In response to a GRAMA request submitted to DAQ on September 9, 2012, DAQ provided comment that requiring DAQ inspectors to perform a full 30 minute Method 9 for each emission point would be unreasonable. Staker Parson understands that the State feels a full 30 minute Method 9 would be unreasonable during an air quality inspection, however, to comply with 60.675(b)(3) the full 30 minute reading is necessary to make a compliance determination based on the lowered opacity limits. Determining a noncompliance based on a single six minute average does not meet the Federal standard, and does not account for the margin of error inherent in Method 9. Staker Parson Companies would like to recommend an alternative:

During air quality inspections, State Inspectors would perform a six minute Method 9 observation. If the initial six minute average is below the opacity limit, the observation would be deemed complete. If the initial six minute average indicated conditions exceeding the limit, a full 30 minute reading would be required to determine a noncompliance.

This alternative meets the intent and requirements of 60.675(b)(3), while accommodating DAQ's need to complete compliance inspections in a timely and efficient manner.

Thank you for this opportunity to provide comment on the proposed R307-312 rule. If you require more information about any of the above listed comments, please contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Clark", with a stylized flourish at the end.

Patrick Clark

Environmental Advisor

Oldcastle Mountain West Division